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## 1 **STIPULATION** WHEREAS, the February 2, 2009 Status Conference with respect to the California class 2 was rescheduled for October 19, 2009; 3 WHEREAS, the parties stipulated on January 21, 2009 that, in the event that the Ninth 4 Circuit issued a decision or ruling prior to the rescheduled date, either party may move this Court 5 to advance the matter on the calendar; 6 WHEREAS, the Ninth Circuit Court of Appeals has reversed and remanded this Court's 7 Order certifying the California class for a new certification analysis; 8 WHEREAS, the California class, through its representative Caroline Urso and her 9 counsel, and the Defendant, through its counsel, hereby stipulate as follows: 10 1. The Status Conference with respect to the California class currently set for 11 October 19, 2009 should be rescheduled for Monday, August 10, 2009 at 3:00 12 p.m. 13 14 15 Date: July 20, 2009 Respectfully submitted, 16 McInerney & Jones 17 By: /s/ Kevin J. McInerney 18 Kevin J. McInerney 19 Attorneys for Plaintiffs 20 Date: July 20, 2009 Respectfully submitted, 21 LITTLER MENDELSON PC 22 23 By: /s/ Lindbergh Porter, Jr. Lindbergh Porter, Jr. 24 Attorneys for Defendant 25 I hereby attest that I have on file all holographic signatures for any signature indicated by a 26 "conformed" signature (/s/) within this e-filed document. /s/ Kevin J. McInerney 27

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## **ORDER** Upon the stipulation of the parties, the Status Conference hearing with respect to the California class currently set for October 19, 2009 is hereby rescheduled for 8/10/2009 3:00 o'clock. p.m. IT IS SO ORDERED Dated: July 24, 2009 Judge Marilyn H. Patel

STIPULATION AND [PROPOSED] ORDER RESCHEDULING STATUS CONFERENCE

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